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SUBJECT: MFA GENERALLY SUPPORTIVE OF U.S. POINTS ON
INTERNATIONAL TRIBUNAL FOR UNIIIC SUSPECTS

REF: STATE 27125

Classified By: Political Minister-Counselor Josiah Rosenblatt, reasons
1.4 (b) and (d).

11. (C) Poloff reviewed reftel points on considerations for an international tribunal for UNIIIC suspects with MFA UN action officer for Middle East issues Selina Grenet February 123. Throughout the discussion, Grenet stressed GoF support for an international tribunal, while emphasizing the need to preserve Lebanese sovereignty throughout the process. In the GoF view, the UN-GOL agreement should reflect the greatest possible consensus in Lebanon, and the UN should be given opportunity to "explore all options" to reach such an accord by June. At the same time, the GoF would keep pressure on the Secretariat not to waste time and to meet the June time-frame. Grenet said the GoF was encouraged by UN Legal Counsel Nicolas Michel's recent visit to Beirut, and the timely follow-up visit of a GOL judicial team to New York. Grenet added that the GoF did not see the need to send P-3 experts from capitals to New York for the time being, though it would be willing to send experts at a later stage, if necessary.

12. (C) Commenting specifically on reftel points, Grenet noted that the GoF shared U.S. cost concerns and that the GOL should be able to bear a certain level of financial responsibility, though international support would clearly be necessary. She agreed that the costly precedents of the ICTY or ICTR should be avoided, and cautioned that the GOL might seek to finance the tribunal via the Core Group process. Grenet offered to discuss the cost issue further with MFA legal experts, from whom she would seek ideas on "least costly" scenarios. On other reftel points, Grenet generally stressed the need to take GOL concerns into consideration. In the case of Lebanese versus foreign judges, she stressed that GOL concerns of threats/intimidation were valid, and suggested that a possible solution might be a majority Lebanese tribunal giving foreign judges veto authority, similar to the UN tribunal for Cambodia.

13. (C) On next steps, Grenet described two possible options for Secretariat activity on the tribunal: 1) giving the Secretariat until June to conclude the UN-GOL agreement, or

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2) having the Secretariat make an interim report in mid-March reporting on the progress of its discussions with the GOL and the likely outlines of a GOL-UN agreement, which in turn could be affirmed by the UNSC, in the possible form of a presidential press statement or PRST. Such a UNSC pronouncement, in Grenet's view, should be sufficiently general (and not "overly directive") in order to avoid provoking opposition within Lebanon. Grenet added that

having the Secretariat issue a progress report on the tribunal in mid-March could reinforce the perception of continued UNSC momentum on Lebanon, with the expected issuance of a "purely technical" report by UNIIIC Chief Brammertz in mid-March likely to disappoint many within Lebanon. She concluded, though, that the GoF had not taken a position in support of either option, and would likely address the prospects for the tribunal, as well as possible replacements for Brammertz, during a President Chirac-SYG Annan meeting to take place in Paris February 28.

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